

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 20-mj-30032
District Judge Paul D. Borman

PHILLIP JAMES,

Defendant. _____/

ORDER DETAINING DEFENDANT PHILLIP JAMES PURSUANT TO 18 U.S.C. § 3142(g) AFTER CONDUCTING A *DE NOVO* DISTRICT COURT DETENTION HEARING ON SEPTEMBER 25, 2020, FINDING BY CLEAR AND CONVINCING EVIDENCE THAT THERE ARE NO CONDITIONS OF RELEASE THAT WILL REASONABLY ASSURE THE SAFETY OF THE COMMUNITY IF DEFENDANT WAS RELEASED FROM CUSTODY

Defendant Phillip James is charged in a Complaint with a violation of Title 18 U.S.C. § 922(g)(1), felon in possession of a firearm, on November 8, 2019. The Government requested detention pending trial before the presiding magistrate judge. On Thursday, September 24, 2020, Magistrate Judge Elizabeth Stafford held a detention hearing pursuant to 18 U.S.C. § 3142(f), and granted Defendant release under conditions after considering the factors contained in § 3142(g). The Government immediately requested a stay of the Order and a *de novo* detention hearing before the presiding district judge. (§ 3145(c).) On Friday, September 25, 2020, this Court held a *de novo* detention hearing. This Court heard proffers from

the Government and defense counsel, and received the Pretrial Services Report from the pretrial services officer recommending detention.

The evidence proffered by the Government stated that Defendant Phillip James and his cousin Shedrick James drove to Detroit from Indiana arriving about 11:00 p.m. on a dead-end street where a shoot-out occurred with unknown assailants. Defendant stated to police that they had driven to Detroit for a party, and were directed to this location by someone named Bob and Weave.

During the shoot-out, which occurred after his cousin exited the Honda Accord to smoke, Defendant's car received bullet holes on the driver's side, and there were multiple 9 mm shell casings found inside, evidencing that Defendant Phillip James was shooting out, and receiving incoming bullets while his cousin was outside the car.

During the shoot-out, Defendant jumped into the driver's seat and started moving the car--accidentally running over his cousin, ultimately killing him. Defendant pulled his cousin into the car and drove to a convenience store where he called 911, and was seen on cameras going to and returning from drink coolers from which the Beretta firearm was recovered by police the next day. Ballistics tests matched the shell casings found in the Honda with that Beretta firearm. While at the convenience store, Defendant called 911 to report the incident, and then drove to the Dearborn Police Department where his cousin was pronounced dead.

At the scene of the shoot-out police found: (1) a different gun, a Glock, outside on the ground, and (2) bullet casings--not from the Beretta gun found at the cooler.

The Pretrial Services Agency Report stated that Defendant Phillip James has two prior drug convictions: a 2003 federal narcotics conviction from Indiana for which he received a 70-month sentence, and a 2013 Indiana state conviction for narcotics for which he received a four-year sentence.

Defendant's attorney stated that Defendant Phillip James just went to Detroit with his cousin for a ride and a party, and that his cousin had received this address on the dead-end street from "Bob and Weave." He also stated that Defendant maintained verified employment since his release from state incarceration in 2016, and that upon learning that the United States Marshals were looking for him, he turned himself in in Indiana and was permitted to travel to Detroit for this case.

In reply, the Government noted that the front of the Honda Accord contained human tissue and blood.

The Court finds that there is clear and convincing evidence of Defendant's guilt on the felon in possession charge: clear and convincing evidence that Defendant possessed the Beretta gun that was found the next day in the cooler that Defendant had approached, that the shell casings inside the car where Defendant

was the sole occupant during the shoot-out, came from that gun, and that Defendant has two prior felony convictions.

Accordingly, the Court concludes that, given the overwhelming evidence of guilt in this gun case, and his two prior serious drug convictions, pursuant to 18 U.S.C. § 3142(g), there are no conditions of release that can reasonably assure the safety of the community if Defendant was released from custody pending trial. The Court orders that Defendant Phillip James be DETAINED pending trial.

SO ORDERED.

DATED: September 29, 2020

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE